



**SECOND INTERIM REPORT**  
**OF**  
**The International Commission**  
**for Supervision and Control in Viet-Nam**

**December 11, 1954 to February 10, 1955**

**GOVERNMENT OF INDIA**  
**MINISTRY OF EXTERNAL AFFAIRS**

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## INTRODUCTION

The International Commission for Supervision and Control in Viet-Nam made its first Interim Report covering its activities from 11th August to 10th December, 1954.

2. This is the second Interim Report of the Commission containing a summary of its activities from 11th December, 1954 to 10th February, 1955 and a review of the progress made by the two parties in the implementation of the Agreement and should be read along with the relevant Chapters of the First Interim Report.

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## **CHAPTER I**

### **ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM**

**Fixed teams.**—The last two fixed teams of the Commission at Muong Sen and Tran Chau were established on 13th December, 1954, as mentioned in para. 40 of the first Interim Report and 26 mobile teams of the Commission were sent out during the period under review for investigations under Article 37 making a total of 54 since the Commission started its activities.

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## **CHAPTER II**

### **CEASE-FIRE, PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARISED ZONE**

**2. Supervision of demarcation line and demilitarised zones.**—The Commission has decided, with the concurrence under Article 35 of the High Command concerned, to send a mobile to the Hue region for supervision of the demilitarised zone south of the provisional demarcation line and the task of supervision of the demilitarised zone north of the provisional demarcation line will be performed by the mobile element of the fixed team at Dong Hoi in the north.

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## **CHAPTER III**

### **REGROUPMENT PLAN**

**3. Point Camau.**—The withdrawals and transfers from the provisional assembly area of Point Camau scheduled to take place at the end of 200 days have been completed on the 7th February, 1955, in an orderly manner. The withdrawals and transfers were supervised by the Commission's teams. A copy of the instructions sent to these teams is attached as Appendix I.

**4. Central Vietnam Provisional Assembly Area.**—The Commission has decided that it cannot support the request made by the French High Command that the High Command of the P.A.V.N. should, in addition to the territories in the Central Viet-Nam provisional assembly area from which they have withdrawn, withdraw from further territory and transfer it to the High Command of the French Union Forces at the end of the 200 days period. While communicating this decision to both parties, the

Commission has asked them in the interest of smooth and orderly transfer of power, to discuss details of withdrawals and transfers in these areas in advance and to make detailed plans and indicate these to the Commission so that it can make effective arrangements for supervision of these withdrawals and transfers through its mobile teams in accordance with the task assigned to it under Article 36(a) of the Agreement.

**5. Haiphong Perimeter.**—The Commission has, during the period under review, considered in detail the complex problems arising out of the withdrawal and transfer of the Haiphong perimeter at the end of the 300 day period. The French Union High Command, which is in control of this perimeter till the end of the 300 day period, has to withdraw personnel and equipment several months ahead to avoid a bottleneck in transport towards the end of the period and at the same time the withdrawals have to be so effected that the transfer is smooth and orderly, there is no destruction or sabotage of any public property and no injury to the life and property of the civilian population and no interference in local civil administration (Articles 14 and 15). The Commission has, after considering the various documents and memoranda presented by the two sides detailed complaints and counter-complaints and after several discussions with the parties, made concrete suggestions to the parties regarding the principles to be observed in effecting withdrawals and the manner in which the International Commission will exercise its supervision so that the obligations undertaken by the parties under the Agreement are duly carried out and the rights guaranteed under the Agreement are duly safeguarded. A copy of the suggestion made to the parties is given as Appendix II.

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## CHAPTER IV

### PRISONERS OF WAR AND CIVILIAN INTERNEES

**6. Claims and counter-claims under article 21.**—Little progress has been made in clearing off claims and counter-claims made by the parties to each other and the Commission has reviewed the latest position and made specific recommendations to the parties to dispose of claims and counter-claims within two weeks from 10th February, 1955. Cases of disagreement will, at the end of the period, be taken up for direct investigation and settlement by the Commission.

**7. Problem of 'rallies' and deserters.**—The problem of 'rallies' and deserters is still under discussion between the Commission and the parties and though no methods of solution have been worked out, the

nature and the size of the problem is being settled with the co-operation of the parties before starting discussions on the methods of solution. A letter received from the High Command of the French Union Forces asking for specific action from the High Command of the Forces of the P.A.V.N. on four points in connection with prisoners of war, civilian internees and 'rallies' and deserters has been discussed in the Commission and the P.A.V.N. High Command approached for its views.

**8. Atmosphere between the parties.**—The atmosphere between the parties in the solution of complicated cases of prisoners of war, civilian internees, and "rallies" and deserters is not as co-operative as envisaged in the general scheme of the agreement. Complaints from the P.A.V.N. High Command against the French Union High Command for delays in releasing those accepted as civilian internees in POULO CONDORE and for release of 16 Chinese civilian internees from Haiphong otherwise than in accordance with Article 21(c) and similar complaints from the French Union High Command against the High Command of the P.A.V.N. for release of prisoners of war and civilian internees otherwise than in accordance with Article 21(c) are under investigation

## CHAPTER V

### DEMOCRATIC FREEDOMS UNDER ARTICLES 14(c) AND (d) OF THE GENEVA AGREEMENT

**9. Complaints against non-implementation of articles 14(c) and (d) continue.**—The implementation of these articles of the Agreement has been a matter of serious concern to the Commission throughout. Since the last report, the Commission had to send out 5 mobile teams for investigations in respect of alleged breaches of freedom of movement and 2 mobile teams for investigations in respect of alleged breaches of democratic freedoms.

**10. Action by the Commission.**—Specific recommendations under Article 39 have been made to the parties to secure effective implementation of the provisions of Article 14(d) within the time-limit specified in the Article. A copy of the recommendations made is given as Appendix III.

**11. The International Commission received complaints from the French Liaison Mission regarding obstructions in the exercise of freedom of movement to people at BA LANG and LUU MY.** The BA LANG investigations have been completed and recommendations made by the Commission in that case have been the subject of a press release.

12. The Commission has received complaints from the Liaison Mission of the P.A.V.N. regarding the existence in the refugee camps in South Viet-Nam of persons who were forcibly evacuated and who wished to return to the North. Two mobile teams of the Commission are carrying out investigations in the refugee camps at THUA THIEN and BIEN HOA.

13. The Commission has made its recommendations in the case of complaints against breaches of Article 14(c) in all cases mentioned in paragraph 108 of the first interim report and has recommended action under Article 22 in four cases where, in the Commission's view, the local civil and military authorities in charge had violated the provisions of the Agreement dealing with democratic liberties and the principles to be observed during regroupment.

#### ARTICLES 14(c) AND 15(d)

14. Investigations in respect of incidents mentioned in paragraph 116 of the first interim report and some new incidents reported since are still in progress.

15. The Commission has taken a decision in the case of arrests of members of the Movement for the Defence of Peace in Saigon which was the subject matter of a complaint from the High Command of the P.A.V.N. The Commission, while refusing to interfere with the local civil administration in either zone in a matter under judicial investigation, has reserved to itself the right to be kept informed of the developments in the case of these arrested persons and asked the French Union High Command to suspend execution of the eventual judgment in this case to allow the Commission to review the final findings of the Court with a view to assessing whether the findings do or not conform to the Articles of the Geneva Agreement and whether any recommendations by the Commission to the authority in control of the zone are necessary under Article 39.

### CHAPTER VI

#### NEW MILITARY PERSONNEL, EQUIPMENT AND BASES IN VIET-NAM

16. **Stricter control of Import of War material and rotation of personnel.**—The question of issuing comprehensive instructions to the Commission's teams referred to in paragraph 106 of the first Interim Report has been finalised in consultation with the two High Commands and except for the frontier of Viet-Nam along the Red River Delta in the North and POINT CA MAU in the South, in respect of which reconnaissance surveys are being made, the whole frontier of Viet-Nam is divided into zones of action for the fixed teams establish-

ed under the Agreement. Copy of the instructions to the fixed teams is given as Appendix IV.

17. The Commission has despatched a mobile team to CAU BANG in the North and another to LOC NINH in the South for a period of four weeks to control the import of war material and the rotation of personnel along the Viet-Nameese-Chinese and the Viet-Nameese-Cambodian border and with instructions to report all aspects of the case in full detail to enable the Commission to decide whether it is necessary to establish more permanent arrangements at these or other points to discharge its functions of supervision over the implementation of Articles 16 and 17 of the Geneva Agreement. During the same period of four weeks, another point on the Viet-Nameese-Chinese border DONG DANG will be similarly continuously controlled by the mobile element of the fixed team at LANG SON.

18. **Protocol of "War Material".**—The parties have signed a protocol agreeing to certain categories of arms, munitions etc., to be regarded as war material in respect of import of which notification under Article 17(e) is required and the difficulty in this respect reported in paragraph 105 of the first Interim Report has been met by this protocol *vide* Appendix V.

19. **General GIAP's letter of 5th December 1954, interim reply.**—The Commission has sent an interim reply to the letter dated 5th December, 1954, from General Giap, Commander-in-Chief of the People's Army of Viet-Nam. Copy of the reply is given as Appendix VI.

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## CHAPTER VII

### PROGRESS REPORT

20. Appendix I of the first Interim Report which gave in a statement form action required to be taken under various articles of the Agreement and the progress made till 10th December, 1954, requires the following changes in the light of developments that have occurred during the period 11th December, 1954 to 10th February, 1955:—

Item No.	Task	Remarks
26	Point Camau evacuation (15-2)	Completed.
30	Notification to Joint and International Commissions of arrivals and departures of war material, arms and munitions of all types [ 17 (e)].	The parties have signed on 14th January a protocol in the Joint Commission in respect of categories of war material, import of which requires notification under Article 17(e). Copy of the protocol is given as Appendix V.



Item No.	Task	Remarks
34	Duty imposed on parties to punish persons violating the Agreement (22).	Specific recommendations for action under Article 22 have been made in four cases as mentioned in paragraph 13 of this report.
35	Joint Commission to determine time-limit and procedure for exhuming and removing bodies (23).	The parties have on 1st February 1955, signed a protocol in the Joint Commission determining the time limit and procedure for exhuming and removing bodies.
38	International Commission to supervise demarcation lines and demilitarised zone [ 36 (b)].	Supervision arranged through a mobile team based on Hue region and the mobile element of the fixed team at Dong-Hoi.
40	International Commission to supervise at ports, air-fields and along all frontiers the carrying out of the provisions of the Agreement regarding reinforcement of personnel and material [36 (d)].	Detailed instructions issued <i>vide</i> Appendix IV of this report. Continuing commitment.

## CHAPTER VIII

### CONCLUSION

21. By its very structure, the Agreement, which is a balanced document, attempts to reconcile the interests and the sovereignty of the authorities in control of the two zones and, while it puts on the two parties the responsibility for the execution of the Agreement (Article 28), it gives the Commission the task of supervision over the proper execution by the parties of the provisions of the Agreement. Effective implementation of the Agreement requires close co-operation between the parties to the Agreement and this has, in various ways, been lacking during the period under report. Each party is more keen to get the Commission to denounce the other than to take reasonable measures to get the Agreement implemented. The Commission's findings as in the BA LANG case, show how, in many cases, the narrow or hostile attitude of local authorities of both parties is responsible for delay or difficulties in the effective implementation of the Agreement.

22. The Commission has been insisting on the co-operation of the two High Commands promised under Article 25 and taking every possible occasion to correct the atmosphere of suspicion and distrust. While the French High Command has been trying hard to carry out its obligations under the Agreement, there have been cases, as in the case of the civilian internees at POULO CONDORE, where they have not been able to implement the Commission's decision in view of the independent attitude taken by the Government of South Viet-Nam which has not signed the Agreement. There has, however, been no case so far where either of the High Commands has refused to put into effect a recommendation made by the Commission.

23. There have been cases of intransigence on the part of local civil or military authorities and the Commission's teams have, on occasions, not got the facilities they are entitled to receive in the fulfilment of their task under Article 35. The Commission has informed both the High Commands that they will, in future, ask for specific action under Article 22 against local civil or military authorities who do not give the necessary facilities to the Commission's teams or in any way obstruct the teams in the fulfilment of their task.

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## **APPENDIX I**

### **Orders for Mobile Teams Nos. 38 and 42**

#### **INFORMATION**

In accordance with Article 15 of the Geneva Agreement, the CAMAU peninsula will be vacated by the Forces of the People's Army of Viet-Nam and will be transferred to the Forces of the French Union from the 4th up to 8th February, 1955. The regroupment will start with the transfer of civil administration in GIARAI, Phuoc Long, Anvion. The French Union Forces will move into CAMAU Area on 8th February, 1955, after handing over of civil administration. Details of the transfer will be prepared and sent by the Saigon Headquarters, following the protocol of the Joint Commission.

2. Mobile teams of the International Commission will assist in the transfer of CAMAU peninsula, as it was accepted by both sides and notified by the Commission.

3. The purpose of this assistance by the International Commission is to ensure an orderly transfer of authority without any incident. To this end, the teams will make their presence known and witness any actual transfer of authority.

4. The roads at points by which the withdrawal of the Forces of the People's Army of Viet-Nam will take place and responsibilities of the teams for these roads and points will be fixed by the Saigon Headquarters.

#### **5. Intention**

Mobile Teams Nos. 38 and 42 will generally supervise the withdrawal of the Forces of the People's Army of Viet-Nam, including the final withdrawal when these forces leave the CAMAU peninsula, following the instructions given by the Saigon Headquarters.

Mobile teams Nos. 38 and 42 will also supervise any actual transfer of military and particularly civil authorities, supervising the observation of the provisions of Article 14 and 15 of the Geneva Agreement, concerning transfer.

#### **6. Method**

(a) Chairman

(b) Composition of Team.

INDIA

CANADA

POLAND

7. To carry out this task, the team will inspect the roads and points of withdrawal. It will establish contact with the Forces of the People's Army of Viet-Nam and it will be present at the actual transfer of all public services. The two sides will maintain the required distance between them, as provided in the protocol. Briefing for the team will be given by the D. R. V. N. High Command and representatives of the two sides may be present at this briefing.

8. In order to ensure an orderly transfer of authority without any incidents, the mobile team must intimate both the Liaison Missions that following the provisions of Articles 14 and 15 of the Geneva Agreement:

- (a) there must be no break in the transfer of responsibilities;
- (b) the two parties should not permit any destruction or removal of public property which would result in interruption of public services or definite lowering of their standards or in any way result in injury to the life and property of the civil population and interference with the local civil administration.

9. Before the end of the withdrawal, the military and civil authorities of the withdrawing Party must publish and explain to the population the provisions of Article 14 and Article 15 of the Geneva Agreement particularly underlining:

- (a) that there must be no break in the transfer of public services;

AND

- (b) there will be no hostile acts and steps whatever which might hamper the withdrawal and transfer;
- (c) that there must be no injury to the life and property of the civil population;
- (d) that the withdrawing authorities must make an appeal to the population that while exercising their democratic freedoms, they should not exceed the normal limits of these freedoms and create situations involving the use of force or would constitute interference with the new administration and to avoid provocations and clashes with the new authorities.

III. The Civil and Military Authorities of the occupying party must be intimated that they should:

- (a) publish the provisions of Article 14 and 14(d) extensively, showing in this way that they are supporting these provisions;

- (b) take necessary steps to avoid any break in the transfer of responsibilities as stated in Article 14 by making necessary arrangements, i.e., "by sending administrative and police detachments to prepare for the assumption of administrative responsibility".
- (c) impress on their personnel the need to take all steps required to prevent injury to the life and property of the civil population;
- (d) undertake necessary measures to prevent reprisals or discriminations against the population on account of their activities during the hostilities and guarantee their democratic liberties;
- (e) implement Article 14(d) by permitting and assisting those who wish to go and live in the zone assigned to the withdrawing party.

IV. In order to ensure the realization of the above mentioned tasks, the team must check up whether the people in the area were aware of the contents of Article 14 and Article 15 of the Geneva Agreement and have concrete evidence, such as copies of press notes or other forms of announcements by means of which the provisions of these Articles were brought to the notice of the local population, by the administration of one side and by the other. If the team finds that the population does not know these Articles, the team:

- (a) must ask the local authorities to bring to the notice of the population the contents of Articles 14 and 15 particularly the provisions of sub-paragraphs 14(c), 14(d), Article 15(d) and of the announcement of last September by the International Commission relating to these articles;
- (b) the mobile team must make an appreciation of the general behaviour of the military authorities in the area towards the civil population and any instructions issued by the higher authorities to regulate such conduct;
- (c) the team must follow all the measures taken to ensure that there is no break in the transfer of responsibilities;
- (d) the team must give an appreciation of reprisals or discriminations, if any, by the local administration of both parties against the population generally;
- (e) every case of incidents, reprisals or discrimination must be immediately reported to the International Commission and investigated on the spot;
- (f) the team should take every opportunity to make it clear in the region where they move that the representatives of

the International Commission are present and they must exercise moderating influence and prevent any embarrassing or delicate situation from arising;

- (g) members of the team should wear arm bands and keep their identity cards on their persons;

AND

- (h) the team should send brief communications relating to their daily activities to the International Commission at HANOI.



## APPENDIX II

The following shall be considered as "public property":

(i) Property belonging to the State or public institutions including municipality. In respect of State or municipal-aided institutions, there will be marginal cases which would have to be decided by the Commission on the basis of the facts relating to each case;

(ii) Services of public utility managed by the State; and

(iii) Files and documents which are required for the effective operation of these enterprises. This will include all files necessary for the current working of the enterprises. (They will not include personal files of those employees who would be leaving Haiphong or police records).

II. (i) The date to be taken into consideration for determining the quantity and details of public property which is to be transferred would be relevant only as far as implementation of Articles 14(b) and 15(d) was concerned;

(ii) The territory is to be handed over to the authorised of the Democratic Republic within the time limit fixed under Article 15(f) (2) of the Geneva Agreement; but the handing over must be so arranged as to ensure that there was no break in the transfer of, responsibility; and

(iii) in the light of Article 15(d), during the period of re-groupment, there should be no destruction or removal of public property which would by interruption of public services or definite lowering of their standards, or in any other way result in injury to the life and property of the civil population or interference with the local civil administration.

III. Article 15(d) of the Geneva Agreement will apply fully to private enterprises of public utility.

Private enterprises of public utility will include water supply, electricity, railways, port and air-ports.

The removal of military equipment at present in use in any of the above-mentioned services would be permitted under the provisions of Article 15(a) subject to the provisions of Articles 14(b) and 15(d), as elaborated under II (iii).

IV. There would be no hard and fast rules relating to the quantity of spare parts which the French authorities should leave behind. Where there were contracts which specified the details relating to the spare parts and fuel, they should be accepted as basis for determining the amount of reserves and spares to be left. In all other

cases, reserves and spares should be fixed only on a study of the facts. In case of any disagreement, the International Commission should examine and decide what the stock of reserves and spares should be.

The evacuation of spare parts over and above those which must be left behind under the above provisions should be allowed without any restrictions.

V. As regards the staff members working in public utility services, while there should be no question of compelling them to remain in Haiphong, the French High Command should ascertain which members of the staff were leaving and inform the other party in time so that advance arrangements could be made to obtain the replacement in order to ensure that there was no break in the transfer of responsibility.

VI. (i) The French authorities would submit to the International Commission by the 1st February, 1955, complete inventories of property of public services. These inventories would be prepared in the light of the principles enumerated above;

(ii) The inventories will be divided into two lists: (a) articles which the French authorities proposed to leave in Haiphong, and (b) articles proposed to be removed from Haiphong;

(iii) An Ad Hoc Committee of the International Commission would examine these lists in the light of the principles proposed by the International Commission and agreed to by the parties. If necessary, on the spot inquiries could be made by the Commission's teams of experts;

(iv) On the basis of the Committee's report, the Commission would, after consultation with the parties, decide which materials could be allowed to be removed.

(v) If the French authorities wish to remove any equipment before the Commission had examined the inventories, they should give the International Commission at least 72 hours notice. The Commission would try to examine the particular cases and decide whether the removal of equipment was justified or not. If the Commission is unable to reach decision in time and if the French authorities insisted on removing the equipment, they may be permitted to do so provided they give a specific guarantee that the equipment removed will be replaced or due compensation given at a later stage if it was decided that the removal was in contravention of the articles of the Agreement, either by agreement between the two sides or on adjudication by the Commission. As a rule, before the articles were removed, the teams of the Commission would inspect, identify



and record the technical specification, quantity etc., of what would be removed.

VII. Property belonging to private persons or enterprises other than those which are mentioned in Point III above shall be evacuated or left on the spot according to the wishes expressed by the persons or enterprises concerned and their decision will be final.

If any difficulty should arise in the dismantlings or evacuation of such property, the International Commission will be notified in time.

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### **APPENDIX III**

#### **RECOMMENDATIONS TO THE TWO HIGH COMMANDS FOR PROPER IMPLEMENTATION OF ARTICLE 14(d)**

(1) The permit procedure should be a simple and uniform one, which will enable an intending evacuee to obtain within a maximum period of about 15 days from the date of receipt of the complete application in the concerned office, a permit to go to the zone of his choice. This permit should enable him to travel from the place of his present residence directly to the other zone, subject, of course, to his being granted permission to enter that zone by the authorities in charge of the zone. The Commission recommends that such permission should also be normally granted by the authorities concerned. To facilitate this procedure and quick disposal of applications, the Commission recommends that authority to receive applications from individuals and to issue the necessary permits, after the requisite verifications and consultations where essential with the higher authorities, should be delegated by the Central authority in both the zones to their officers in charge of the communes, and the verifications should be limited to the minimum essential. In other words, it should be possible for an applicant to present an application in a simple form, containing the essential details such as, name, age, permanent address, the zone in which he intends to live permanently etc., to the Head of the Commune, certified, if necessary by a responsible officer who is in a position to identify the applicant preferably the Chief of the Village or the Commune. The applicant should then be able to obtain a permit from the office within a maximum period of about fifteen days. Any internal consultation or verification required between the Commune Office and the offices of the district or province should be a matter entirely for the authorities and the applicant should not be required to take his application personally from one office to another.

(2) In the case of persons residing in a place different from that of their permanent homes, applications should be accepted by the local office, provided the identity of the applicant is certified by a competent authority, to be prescribed, and permits should be issued from the same office.

(3) Permits should be normally valid for a period of two months from the date of issue and if the permit holder is unable to utilise the permit in time, it should be automatically extended without any further check till the 18th May, 1955.

(4) The applicant should be informed within fifteen days of the date of the completed application whether a permit is granted or refused; and in the latter case, the reasons for the refusal should also be indicated in all possible cases and the applicant should have a right of appeal to higher authority, who should dispose of such an appeal within a period of about 10 days from the date of receipt of the appeal. This will, of course, be without prejudice to the right of such persons to approach the Commission or its teams in regard to any matter affecting their rights under the Geneva Agreement.

(5) There should be separate applications from each adult with a declaration regarding his decision to stay where he is or to go and live in the other zone; but in regard to children who are under age, permits should be granted on a proper application presented by the parents or the legal guardian. It should be left to the parents or to the legal guardian to decide the wishes of such minor children in regard to the zone of their future residence. In the case of disagreement between the parents on this point, it should be settled by the person who has got the legal right for the custody of the children until the children attain majority.

(6) There should be no detailed inquiry into the motives of persons before permits are granted and a simple declaration of a definite wish to go and live in the other zone given with the full knowledge of the implications of Article 14(d) should be considered adequate for this purpose. To implement this in practice, the Commission suggests that the authorities of the 2 zones should consider incorporating the provisions of Article 14(d) on the application form with a simple explanation of its contents, and a declaration by the applicant that he had read and understood these provisions, or that these were read out to him and fully understood by him, should be enough for the grant of a permit.

(7) Permits should be granted to all persons who have not been either convicted or are undergoing trial for any offence under the prevailing common law. In regard to persons under trial the authorities in charge of the area where such a person who applies for a permit to go to the other zone now resides, should endeavour to complete the proceedings quickly so that, in the event of acquittal, the person concerned will have adequate time to obtain a permit and to complete his journey to the other zone before the expiry of 300 days from the date of cease fire.

The Commission may have to consider, at a later stage, if any action is required under the Agreement in regard to persons who are convicted or are now undergoing trial for common law offences but are likely to be released after the expiry of 300 days, in the event

of any such persons now indicating their desire to exercise their right to go and live in the other zone.

(8) The persons who migrate to the other zone for taking up permanent residence should be allowed by the authorities in charge of the area of their present residence reasonable facilities to take with them their moveable property after discharging their outstanding dues. This latter condition should apply only in regard to the dues payable to the Government or any private dues which may have become subject of judicial proceedings. Settlement of complaints regarding private dues which are not the subject of judicial proceedings should be a matter for the individuals concerned and the grant of permit with the right to take moveable property should not be held up because of any allegations in this regard against an applicant by other individuals.

(9) Transport facilities at a reasonable cost should be made available by the authorities in the two zones to all intending evacuees. In regard to destitutes, where some financial assistance is required, the State should consider the question of giving such assistance and if this is not possible, permission should be granted to non-political organisations to provide assistance in such cases, if they offer such assistance.

(10) The intending evacuees should have freedom to meet and discuss in a peaceful and orderly manner what they wish to do in respect of their future residence so long as such rights are not exercised in a manner which tends to constitute interference with normal administration or in contravention of existing laws and regulations.

(11) The parties should indicate to the Commission, once a fortnight, the number of applications received by their permit offices from persons wishing to go and live in the other zone, the number of permits issued, and the number of applications refused, together with the reasons for the refusal, and any other relevant information regarding freedom of movement which they wish to bring to the Commission's notice. The statement should be by provinces.

(12) Although the people in these areas are generally aware of their rights under Article 14(d), in view of certain misunderstandings about the real intentions and the Article referred to earlier, it would be useful if further detailed announcement is made by the authorities controlling the two zones about the contents and limits of democratic rights, including freedom of movement with reference to Articles 14(c), 14(d) and 15(d) and the facilities available in each area for the implementation of Article 14(d) including the permit procedure.

**APPENDIX IV**  
**MEMORANDUM**

The Secretary General presents his compliments to the Chief of the liaison Mission of the Democratic Republic of Viet-Nam/Chief of the French Liaison Mission and has the honour to state that the Commission has, on a review of the working of the Commission's Fixed and Mobile teams during the last four months and in the light of the discussions it had with the Liaison Missions and the communications received from them on the subject of the interpretation of Article 35 dealing with the activities of the Fixed and Mobile Teams, decided to issue the attached instructions for the guidance of its Fixed and Mobile teams.

The Commission desires that these instructions should come into force with effect from 1st January, 1955 and that, in the meanwhile, the High Command of the P.A.V.N./French Liaison Mission be requested to issue necessary instructions to the Liaison Officers attached to the teams and to the local authorities to assist the teams in carrying out their tasks in accordance with these instructions. The Commission attaches great importance to the most effective co-operation between the Liaison Officers and the Commission's teams and has, for this purpose, specifically inserted paragraph 18 of the instructions so that differences in interpretation between the Liaison Officer and the team, if any, can be settled by the Commission in consultation with the High Command concerned and there will be no cause for any misunderstanding or friction between the team and the Liaison Officer and the local authorities.

The Secretary General takes this opportunity to renew the assurances of his highest consideration.

Secretary-General

## INSTRUCTIONS FOR FIXED AND MOBILE TEAMS

### **Sanction under the Geneva Agreement**

The authority for setting up of Fixed and Mobile teams is that given in Article 35 which also defines the composition, location of the Fixed teams and the normal zones of action.

The other relevant Article dealing with the competence of the teams is Article 38, which refers to the duties of the teams in respect of control, investigation and observation. This Article also prescribes the method of reporting by the teams to the International Commission, reports having to be signed by the three members and, in case of difference of opinion, separate conclusions of each member or group of members have to be submitted to the Commission under the signatures of the Delegates concerned.

*Normally*, the teams have no supervisory function. The word 'supervision' in Article 38 in the English copy is a mistake. It should be 'control'. Specific supervision duties may, however, be assigned by the Commission with the concurrence of the High Command concerned to Fixed or Mobile teams, but this will be a separate matter and confined to particular tasks specified in the Commission's directive.

### **2. COMMISSION AND THE TEAMS:**

The Commission has been charged with the supervision of the proper execution by the parties of the provisions of the Agreement under Article 36 and, for this purpose, it has to undertake tasks of control, inspection, investigation and observation. These tasks, except the task of supervision in a specific case, are normally delegated by the Commission to its teams. The delegation in case of supervision has, as mentioned before, to be specific as there is no normal provision in the Agreement for general delegation of the supervisory powers of the Commission. Detailed analysis of the zone of action, nature of tasks and methods of work are given in the following paragraphs. Specific supervisory functions delegated in particular cases to teams will be the subject of special instructions to the teams concerned.

### **3. TYPES OF TEAMS:**

Article 35 provides for two types of teams, Fixed and Mobile. The areas of operation of the two differ, though there is no bar to any section of the Fixed team being converted into a Mobile team

under general or special instructions from the Commission, provided the mandatory provisions of the Agreement under Article 16(g) and 17(f) read with Article 20 and Article 35 are fully observed.

#### 4. FIXED TEAMS

*Zones of action and mandatory tasks.*—The zones of action of the Fixed Teams at the points where they are located are given in the attached *Appendix I*. These tasks have specific reference to the mandatory provisions of *Article 16 and 17* and the specific task of control and investigation at ports, air-fields, railway stations, road junctions as well as along all frontiers of Viet-Nam imposed under these provisions in respect of regulation of the introduction into the country of armed forces, military personnel and of all kinds of arms, munitions and war material.

5. The notification by the parties under Article 16(f) of arrivals and departures of units, groups of personnel and individuals personnel in or from Viet-Nam and of arrivals or departure of war material, arms and munitions of all types under *Article 17(e)* will also be received direct by the teams at the location concerned, as both sides are being asked to agree to this additional arrangement to enable the teams to control this activity on behalf of the Commission. These tasks of control and investigation should be carried out thoroughly and reports sent to the Commission that the entry or exit has been in conformity with the notification. Any deviation noticed should be specifically reported and the parties concerned asked to give an undertaking that the deviation from the notification will be adjusted or necessary remedial action taken on final instructions of the Commission on the team's report. A report of excess or shortfall in these cases should for this purpose be countersigned by the Liaison Officers in whose presence the investigation and control work has been done.

6. Apart from the mandatory control and investigation referred to above, the Fixed Team must continue to observe and record the results of their observations in respect of movements of personnel and equipment by frequent visits to aerodromes, ports, railway stations and road junctions to make sure, apart from the notifications by the parties under *Articles 16 and 17* that rotation of personnel and entry and exit of all kinds of arms, munitions and war material are observed carefully and parties brought to book if they fail to observe the mandatory provisions of *Articles 16 and 17*. Attention in this connection is invited to the Commission's circular No. A.11 (OPs) 755 dated 1st December, 1954.

7. Within the limited zones of action of Fixed Teams given in the attached *Appendix I*, the Fixed Team have the right to move freely as required and the Liaison Officer attached to the team must

accompany them within these zones when requested by the team on half-an-hour's notice. It may be added that the Fixed Team's mandatory duties under Articles 16 and 17 require constant and continuous vigilance, observation and inspection being undertaken at fairly frequent intervals and at any time during day or night as required by the traffic in the area of the zone, but at least once a day.

8. *Other mandatory tasks* are (a) control of the movement of the Armed forces of the two parties effected within the framework of the regroupment plan (b) control of the operations of release of prisoners of war and civilian internees and (c) continuous observation and vigilance to ensure that the provisions of Articles 18 and 19 regarding establishment of new military bases; and establishment of military base under the control of a foreign State, are thoroughly observed. Further detailed instructions regarding (c) in respect of Articles 18 and 19 will follow.

9. It is again stressed that these mandatory duties are to be performed within the zone of action of the Fixed Team and for this purpose the team has complete freedom of movement at all hours of the day or night and can call upon the Liaison Officer to accompany them when required at half-an-hour's notice.

10. *Other tasks*.—Within the zone of action prescribed for the Fixed teams, they must continue to observe and report the implementation by the authorities concerned of other Articles of the Agreement particularly,—

- (a) Article 15(b) in respect of transfer of authority without break in responsibility;
- (b) Article 14(c) avoidance of reprisals or discrimination and guarantee of democratic liberties;
- (c) Article 14(d) regarding freedom of movement;
- (d) Article 15(c) and (d) in respect of principles to be observed in the transfer of authority, namely, no hostile act, no hampering of such withdrawals and transfer, no destruction or sabotage of any public property, no injury to the life and property of the civilian population, and no interference in local civil administration. (This task will arise in an active form only in some cases as in Haiphong and Qui Nhon where transfers are still to take place, though violations of the principles may take place in other areas as well).

11. While carrying out these duties of general observation in the limited zone of the Fixed team, the teams will receive petitions from individuals and organizations direct or through the post office, special  
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petition boxes of the International Commission, or through the Liaison Officers attached to the team, and, in dealing with these petitions, the teams should observe the instructions regarding disposal of petitions attached to this circular (Appendix III).

## 12. MOBILE TEAMS:

*Article 35* lays down that Fixed teams shall be located at the points specified therein. As there are two members from each delegation at all fixed points mentioned in *Article 35*, the requirements of *Article 35* regarding location of Fixed Teams at the points mentioned therein are satisfied, even when a section of the Fixed team goes out as a Mobile team of three. This unit when not working as a Mobile team assists the Fixed team in its task. This dual nature of the duties, one as a Fixed team and the other as a Mobile team, should be clearly noted and also carefully explained to the Liaison Officer attached to the teams at the fixed points. Other Mobile teams sent out as and when required will have individual instructions and briefing directed specifically to the task given to them and their movements will also be carefully prescribed in consultation with the High Command of the party concerned as required under *Article 35*. The Mobile team formed out of the Fixed team will have the sphere of action as shown in Appendix II. Within this sphere, the Mobile teams can move freely for follow-up action, if any, required in pursuance of the mandatory tasks specified in paragraphs 4 to 8 above and for general observation of the other tasks referred to in para 10-11 above. The Mobile team's powers of control and investigation will, however, be limited to a zone within 10 kilometers of the frontiers. In the rest of its sphere of action it will observe generally but not control or investigate and general observation shall include the following which are illustrative but not exhaustive:

(i) If the team in the sphere of action saw a convoy or any other war material, it could record the fact and note down the number of vehicles and equipment;

(ii) In such cases, the teams could ask the Liaison Officer accompanying them to supply any information which he had on the convoy or war material which the team observed;

(iii) Whenever possible, local authorities could also be contacted for the general purpose of ascertaining the state of implementation of various Articles of the Agreement;

(iv) The teams could stop where they liked and speak to local population or local officials whom they chanced to come across; and

(v) The team has the right to receive written petitions or to listen to verbal complaints; but the teams could not investigate such petitions and could not cross-examine complaints.

If any situations arise which are not covered by the above points, the teams could act with the co-operation of the Liaison Officers.

If the Liaison Officer does not co-operate the matter should be reported to the Commission; but in any case, embarrassing incidents should be avoided.

13. The mobile team's movements should be so arranged that the Liaison Officer is given two hour's notice of the team's programme if the team is returning to the fixed point in the evening and reasonable notice upto a maximum of twenty-four hours in other cases in order to enable him to make the necessary security and logistic arrangements.

14. These instructions supersede the instructions in Commission's circulars Nos. A-1 dated 14th October, 1954, regarding zone of action of the Fixed teams, A-9 dated 19th November, 1954, on the subject of transfer of public services, A-6 dated 21st October, 1954—inspections or reporting under Article 16(f) and revalidate the instructions in circulars Nos. A-2 October 19, 1954—Flag A-3 of October 19, 1954—transport of non-Commission personnel across demarcation lines in Commission's transport—A-4 of October 19, 1954 Secretarial assistance, A-5 of October 19, 1954—grant of asylum (as amended by Ops 357 dated 5th November, 1954), A-7 dated 22nd October, 1954—interpretation of Article 38, A-8 dated 20th November, 1954—Weekly reports, A-10 dated 20th November, 1954—relations with press representatives and A-11 dated 1st December, 1954, referred to in para. 6 above.

#### 15. *Notifications under Article 17.*

Neither side has made any notification under Article 17(e). The general explanation given is that the subject is under study in the Joint Commission. The Commission is separately drawing the attention of the High Commands of both sides to the failure on their part to carry out the mandatory obligations imposed by Article 17 (e) and asking them to explain why notifications under 17(e) in respect of reinforcements in the form of all types of arms, munitions and other war materials as detailed in Article 17(e) are not being given. The Joint Commission can elaborate the list of war material, but discussions in the Joint Commission should not be made an excuse for non-observance of the mandatory provisions of Article 17. Meanwhile, the Fixed teams must carry out the general inspection and observation in respect of the arrivals and departure of war material, arms and munitions of all types as indicated in para. 6, and, despite absence of notification by the parties under Article 17(e), exercise their powers of investigation and control where any such war materials are traced in the general observation and inspection of imports and exports.

16. Appendix IV contains various suggestions made by the Fixed Teams regarding the scope of their activity for approval of the Commission or reports of certain forms of activity where they have failed to get the co-operation of the Liaison Officer attached to the team. The remarks column shows to what extent the team is within its rights in undertaking those activities and where it is acting in excess of the authority of the Agreement and what action is being taken by the Commission to correct the attitude of the Liaison Officers in cases where the forms of activity undertaken or proposed to be undertaken falls within the Articles of the Agreement and has met, with obstruction from the Liaison Officer attached to the team.

17. These instructions are based on a review of the Articles of the Agreement and the activities of the Fixed teams for the period ending 30th November, 1954. Further instructions and elucidation will be provided as and when required in the light of further experience of the working of the teams.

18. It is proposed that these instructions should come into effect from 1st January, 1955, and all teams are requested to discuss these instructions with the Liaison Officers concerned, have an agreed interpretation of the instructions and report differences in interpretation, if any, to the Commission for decision in consultation, if necessary, with the High Command concerned.



## **APPENDIX I**

### **ZONE OF ACTION OF FIXED TEAMS**

#### **GENERAL**

1. The suggested zones of operation of all Fixed Teams deployed in various locations throughout Vietnam are shown hereunder: For tasks *vide* instructions in paras. 4 to 11 of the circular.

II. Areas allotted are marked in Red on trace 'P' attached.

#### **1. TIEN YEN**

- (a) Tien Yen village.
- (b) River Tien Yen, River Pho Cu and airport.
- (c) Watch road junction at Tien Yen and road junction immediately West of Tien Yen.

#### **2. LANG SON**

- (a) Lang Son—Nam Quan—Dong Dang and cross roads at Lang Son.
- (b) Observe above roads, border area and railway.

#### **3. LAO KAY**

Ba Xat and Lao Kay including cross roads at Lao Kay.

#### **4. HAIPHONG**

- (a) Port and airfield at Haiphong.
- (b) Area of Do Son.

#### **5. VINH**

- (a) Town of Vinh and airfield.
- (b) Marbour installations in ven Thuy.
- (c) Traffic in the Song Ca river.
- (d) Coast at Cau Hoi.

#### **6. DONG HOI**

- (a) Port installations and airfield including Leky.
- (b) Phong loc.
- (c) Phu Xa.

#### **7. MUONG SEN**

Muong Sen to road crossing Lao-Tian border.

## 8. TOURANE

- (a) Port and airport at Tourane.
- (b) Halting station of Tourane.
- (c) Control of town.
- (d) Port facilities at Fai-Fo.

## 9. QUI NHON

- (a) Port facilities.
- (b) Airfield.

## 10. NHA TRANG

- (a) Port facilities.
- (b) Airfield.

## 11. BA NGOI

Zone of the Bay of Cam Ranh including the port.

## 12. CAP ST JACQUES

- (a) Harbour at Cap St. Jacques.
- (b) Area Baria, Cho Ben.

## 13. TAN CHAU

Observation of river traffic at Tan Chau,  
Chau Doc and Hong Ngu.

## 14. SAIGON

- (a) Control of the port at Saigon.
- (b) Control of aerodrome at Tan Son Nhut.

**APPENDIX II**  
**ZONE OF ACTION AND SPHERE OF ACTION OF MOBILE**  
**ELEMENT OF FIXED TEAMS**

1. Definitions.

(a) Zone of action.

An area equal to 10 kilometers from the land and sea frontiers of Viet-Nam in which the team has complete powers of control and investigation (*vide* paras. 4—11 of instructions).

(b) Sphere of action.

The areas adjacent to the zones of action through which due to communication and other difficulties teams must pass to reach their zones of action. In their sphere of action, teams will have powers of observation only and will not exercise any control or undertake investigations without prior approval of the international Commission (*vide* para. 12 of the Instructions).

Areas of zones of action are delimited in Green and spheres of action in Blue on trace 'P' attached.

2. General

The boundaries of the spheres of action of the Mobile teams formed Fixed teams are shown below:

(i) TIEN YEN

Tien Yen, Loc Binh, Chi Ma, Mon Cay, Muong Duong-Tien Yen.

(ii) LANG SON

Lang Son, Cham, That khe, Dong Ke, Cao Bang, Nuoc Hai, Ha Quan, Baolac, Dang Van, Luong Lan, Tra Linh, Dong Kwang, Phuc Hoa, Hong Dang, Chi Ma, Loc Binh, Lang Son.

(iii) Due to lack of information of the state of roads in this area and also due to lack of modern means of transport the area of the sphere of action for this team has not as yet been defined. This can only be done on completion of a reconnaissance of the areas of Ha Giang, Lau Chau and the Northern border generally, which is being undertaken by a specific Mobile team. Meanwhile, the sphere of action of this team will be equivalent to its zone of action within the range of transport available to them.

## (iv) HAIPHONG

Haiphong, Nui Deo, Vong Bi, Hon Gay, Muong Duong, Do Son, to border of Haiphong Perimeter—thence to Haiphong.

## (v) VINH.

North to Than Hoa and South to Ha Tinh.

## (vi) DONG HOI

North to Ha Tinh and South to Demarcation line.

## (vii) MUONG SEN

No sphere of action has yet been determined for this team. This will be fixed in light of reconnaissance carried out by this team to determine the state of communication in this area for which the local liaison authorities must provide the necessary facilities to the team.

## (viii) TOURANE

Tourane, North to Hue, Quang Tri and the demarcation line, South to Quang Nam, Tam Ky, Quang Ngai.

## (ix) QUI NHON

Qui Nhon, North to Quang Ngai via Binh Dinh, Phu My and Bong Son and South to Southern border of the Central Viet-Nam Provisional Regrouping Zone.

## (x) NHATRANG

Nha Trang North to the border of the Central Viet-Nam Provisional Regrouping Zone and South to Truong Dong.

## (xi) BA NGOI

Ba Ngoi North to Khanh Hoa and South along Route Nationale 1 to Phan Thiet.

## (xii) CAP ST JACQUES

Along the coast North to Phan Thiet and the mouths of the Mekong and Bassac rivers from Go Cong to Bang Long.

## (xiii) TAN CHAU

Tan Chau east along the Mekong river from the Cambodian border to Hong Ngu and South West to the coast at Duong Hor.

## (xiv) SAIGON

Saigon Go Cong, Binh Phuoc, Benluc, Hoc Mon, Thu Dau Moi, Bien Hoa, Pong Tanh, Phuoc Hoa including the delta of the Saigon river.

III. From the above it will be seen that the whole of the coastal area of Viet-Nam has been covered by the Mobile portion of Fixed teams except for the following:—

- (a) Camau peninsula from Hong Chong to Bang Long.
- (b) Red river delta from the Southern border of the Haiphong perimeter to Sam son.

It has been decided that special Mobile teams will be sent out to conduct a reconnaissance and survey of these areas in order to make recommendations regarding the mode and frequency of control.

IV. The Cambodian Land frontier of Viet-Nam between Budop and Trang Bang in the area North and North West of Saigon is not being observed by any of the teams at present and it has been decided to send a special Mobile team to conduct a reconnaissance of this area in order to make recommendations regarding the mode and frequency of control.

V. The sphere of action for the Fixed teams at Muong Sen and Tan Chau will be delimited or altered as a result of reconnaissance reports from these teams.

VI. The spheres of action now delimited for the Tien Yen and Lang Son teams may have to be readjusted in the light of the reconnaissance to be carried out by the Tien Yen Fixed team and a special Mobile team detailed to carry out a reconnaissance in the Cao Bang area up to the Northern frontier.

VII. The sphere of action now allotted to the Fixed teams at Qui Nhon, Nha Trang, Tourane and Haiphong may have to be readjusted as and when the Central Viet-Nam regroupment Zone and the Haiphong perimeter change hands.

VIII. The sphere of action now prescribed for the Fixed teams in Viet-Nam will be subject to review in the light of experience gained by the international Commission and their teams.

IX. Further instructions regarding frequency of control generally or with reference to specific points will issue after examination by the OPS Committee of the reports coming from the Teams.



### APPENDIX III

#### INSTRUCTIONS TO FIXED TEAMS REGARDING PETITIONS

The Fixed Teams will, in the course of their work, receive petitions of various kinds from individuals and organisations direct or through the post office, special petition boxes of the International Commission, the Liaison Officers of both parties etc. These instructions are intended to give necessary guidance to the Fixed Teams in handling these petitions.

#### 2. Categories of Petitions

In general, the petitions ordinarily addressed to the Commission fall within the following main categories:—

- (a) Reprisals and discriminations [covered by Article 14(c)].
- (b) Violations of democratic liberties (covered by Article 14(c)).
- (c) Freedom of movement [covered by Article 14(d)].
- (d) Incidents (covered by Article 15(d)).
- (e) Destruction or sabotage of public property [covered by Article 15(d)].
- (f) Compensation cases [covered by Article 15(d)]
- (g) Prisoners of war and civilian internees [covered by Article 21].

Subject to the general instructions in paras. 3 to 9 below, particularly para. 5, the various classes of petitions may be dealt with as indicated below:—

- (1) *Reprisals and discriminations*.—This category, which is very large, includes cases which have occurred since the signing of the Geneva Agreement of misbehaviour by the troops, confiscations of belongings of people on account of their political activities in the past etc. All such petitions received by the Team should be forwarded to the International Commission in HANOI. The contents of such petitions may be communicated to the local authorities if the team feels that necessary remedial action can be taken locally in such a way as not to be prejudicial to the petitioners.

- (2) *Violations of democratic liberties.*—Petitions relating to violations of normal democratic liberties, such as, freedom of association, speech, press, etc., should be investigated locally with the assistance of the liaison officers. The detailed reports together with the original petitions should be sent to the Commission in HANOI as soon as possible.
- (3) *Freedom of movement.*—According to the provisions of Article 14(d) of Geneva Agreement, people may decide of their own free will whether they wish to go and permanently live in the zone controlled by the other party and they should be given the requisite facilities to do so by the party controlling the area, where they reside at present. Petitioners falling under this category should be directed by the Team to the local authorities for obtaining the necessary permits. If the local authorities refuse permission or if the Team feels that the administrative arrangement are inadequate to cope with the existing situation, they should take this matter with the local authorities to ensure that the provisions of Article 14(d) of the Geneva Agreement are fully implemented. Difficulties, if any, in dealing with this question should be reported to the Commission.
- (4) *Incidents.*—Petitions concerning incidents must be immediately forwarded to the International Commission in HANOI, but at the same time, the Fixed Team should, if possible, make preliminary investigation on the spot *provided the incident is in the area and under the administration where the Team is working* intimation by telegram being sent to the International Commission.
- (5) *Destruction or sabotage of public property.*—Petitions relating to destruction or shortage of public property either damage or removal of essential parts should be forwarded immediately to the International Commission in HANOI. At the same time, the Fixed Team should request the local authorities through the Liaison Officers to investigate the complaints and give their comments within 24 hours. If the team does not receive a reply within 24 hours or if the reply is unsatisfactory, this fact should be notified to the Commission. The team must take care not to interfere with the local civil administration and its way of handling demonstrations, protests, etc., but merely observe these and report to the Commission.
- (6) *Compensation cases.*—Petitions relating to compensations should be acted upon only when such compensation

claims are based against one of the parties to the agreement and are not the result of clashes between private persons. Petitions asking for compensation for destruction to property committed during the hostilities must be directed to the local authorities.

- (7) *Prisoner of war and civilian internees.*—Petitions concerning the release of prisoners of war and civilian internees should contain as far as possible details required by the authorities for instituting the necessary enquiries, such as, full name, place of arrest, date of arrest, known reasons for the arrest, by whom arrested, details of places where detained, prison number, if any, etc.,. Petitions which are received without these relevant details should be returned to the persons concerned for completing, where possible, the details before they are acted upon. If the arrest was made after the Geneva Agreement, this fact must be specifically mentioned, because the case would then not come within the provisions of Article 21 which related to prisoners of war, but it would be treated as violations of Geneva Agreement [Articles 14(c) and 15(d)]. In any case, the person concerned will not be treated as civilian internee or as prisoner of war under Article 21. The Team should be familiar with the terms of TRUNG GIA Agreement on the treatment of political internees and prisoners of war.

3. *General Instructions.*—In cases which require immediate action, e.g., report relating to some serious incidents, the Team should endeavour to take prompt action through the local authorities and, at the same time, forward the original petitions to the International Commission in HANOI, indicating what action has been taken.

4. All petitions should be sent to the International Commission (D.S.G. Petitions) in HANOI as soon as possible by the courier plane. They should never be forwarded to the Commission through the Liaison Officers or any other representatives of the parties.

5. When consulting the Liaison Officers or local authorities about any particular petition, the Team should take care not to do anything which might prejudice the petitioner. The petitions in original need not ordinarily be given to the authorities concerned unless the petitions are of a harmless nature. In other cases, only the minimum required information and not the names of petitioners should be given to the parties concerned.

6. When forwarding petitions to the International Commission in HANOI, the Team must give to each petition a serial number and wherever possible, the number of category in para. 2 above so that it would be comparatively easy to deal with it and at a later stage, to trace it when necessary.

7. In cases where a matter is of a very urgent nature, the Team must send a signal to the International Commission in HANOI giving the essential details and asking for instructions. A detailed report should follow by the next available courier plane.

8. In cases relating to the common law crimes, crimes by members of the armed forces against military discipline regulations, local regulations relating to money exchange, requests for compensation of losses incurred before 1945 subject to military law etc., no action need be taken.

9. This note does not cover every type of petition that may come before the Team. Nevertheless, with the help of these general instructions, the Team should be in a position to deal effectively and uniformly with most petitions received by them.



## APPENDIX IV

Team's suggestions or complaints

Remarks

### LAO KAY

#### Freedom of movement

1. The Team is not allowed to move about freely beyond the limits of LAO KAY area. The Team has been trying to visit CHAPA for some days, but the local authorities do not allow this without permission from their High Command. The Liaison Officer according to his orders can only allow the team to move within 10 miles radius of LAO KAY. This will be settled by zones shown in Appendices I and II.

#### Location of Troops

2. The Team has been trying to find out the number of troops located in the region. This information is not being given by the local authorities. This demand is clearly beyond the competence of the Fixed Team. There is no authority for such a demand in the Geneva Agreement. Such a demand should not therefore be made.

The freedom of movement of the team is restricted probably because of the following :

- (a) Lack of modern means of transportation ;
- (b) Bad roads team cannot move beyond 10 miles ;
- (c) Security of the team.

#### Transport

3. No vehicles have been provided for the team. This team has to move about either on cycles or horses. Matter being brought to the notice of the Liaison Mission of the D.R.V.N.

#### Checking of material

4. The Team has not experienced any difficulty in checking the movement of material. Instructions have been issued on the question of grant of asylum. (Refer to Commission's instructions on the grant of asylum—Circular No. A-5, dated Oct. 19, 1954.)  
The Team was not aware of dealing with personnel falling in the category of Pte. UBALDO. Clear instructions to teams to be issued.

### LANG SON

#### Restriction on freedom of movement

1. In the early stages the team was not allowed to move by road beyond the limits of the province when the team wished to carry out a reconnaissance of road LANG SON-THAINGUYEN-HANOI. Decision in Appendices I and II will apply.

Team's suggestions or complaints	Remarks
2. Later on the local authorities placed restrictions on the movement of the team and the team was more or less confined to the buildings.	Decision in Appendices I and II will apply.
3. To this day the maintenance service is not allowed to use the road HANOI—THAINGUYEN—LANG SON.	

#### Load manifests

4. The Team is not being supplied with details of arrival and departure of convoys nor was the team given load manifests in the absence of which the team could not check convoys. Report 31st Oct., 6th Nov., 3rd Nov. It is reported that most of the material coming in is Government goods. Clear instructions are required to be issued to all teams.	Being taken up separately with the Liaison Mission of the D.R.V.N. Restriction mentioned in 3 requires relaxation and matter mentioned in 4 already governed by Commission's Circular No. 11 of Dec. 1, 1954.
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#### Movement of troops

5. The local authorities do not appear to have supplied the teams with information regarding the movement of troops. Report 31st Oct., 6th November, 3rd November.	Beyond the team's competence and should not be raised. It is the entry from outside under rotation of troops that requires notification and not the internal disposition of troops.
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#### Transport

6. The condition of vehicles provided for the use of the team is not satisfactory. In spite of repeated requests by the team for the provision of better vehicles, no action appears to have been taken so far.	Matter being referred for remedial action to the Liaison Mission of the D.R.V.N.
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#### HAIPHONG

#### Movement of troops

1. It appears that the local authorities are not giving adequate advance information about rotation of troops and equipment.	This is mandatory under Article 16. DSG (OPS) should take up with the team and ask for particulars to justify the allegation.
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#### Load manifests

2. The Team is not being supplied with load manifests for ships in the absence of which the team cannot effectively carry out a check.	Vide Commission's Circular No. 11 of December 1, 1954. Matter being brought to the notice of the French Liaison Mission with a request to cooperate as directed by the Commission.
3. The team is getting involved in a number of petitions and Civil administration of the area.	Vide instructions in Appendix III (Disposal of petitions).
4. The Team wishes to know if they can accept petitions within their area other than Haiphong itself.	Yes, but they can only forward these to the Commission and merely act as a post office.

Team's suggestions or complaints	Remarks
5. Is the team required to interview refugees and others that wish to see the team.	Normal method of dealing with this is to ask people to write down and present the petition. In special cases particularly, when a group wants to represent a matter, team may see one or two spokesmen of the group.

## TIEN YEN

### Transport

- |  |   |
|--|---|
| 1. This team was not provided with transport till 17th November, 1954. Therefore it was not possible for the team to move around outside the town of TIEN YEN. | Delay in provision of transport being brought to the notice of the D.R.V.N. |
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### Movement of Troops

- |   |   |
|---|---|
| 2. The team does not appear to be supplied with information regarding the rotation of troops and equipment. | Information regarding rotation of troops and entry into or exit from Vietnam of war material mandatory. Team should follow instructions in Commission's Circular No. 'A-11, dated December 1, 1954, and report the result of the general observation on the question of rotation of troops and bring lapses, if any, under Articles 16 to 17 to Commission's notice promptly. |
|---|---|

### Petitions

- |   |   |
|---|---|
| 3. No petitions have been received from TIEN YEN itself although over 30 petitions were received from MON CAY when the team visited the latter place. | The importance of allowing members of the public to approach Fixed Teams freely should be impressed on the Liaison Officer and obstacles, if any, reported to the Commission. |
|---|---|

### Restrictions on freedom of movement of teams

- |  |                                       |
|--|---------------------------------------|
| 4. This team is not being allowed to move outside the provincial boundaries. | <i>Vide</i> Appendices Nos. I and II. |
|--|---------------------------------------|

### Freedom of movement

- |  |                                  |
|--|----------------------------------|
| 1. Movement of team restricted to the province and along the coast line and road running parallel to the coast (Report of 15th November 1954). The D.R.V.N. authorities do not allow the team to carry out recce of river DONG HOI. Team not allowed to go upto the demarcation line without permission from the High Command of D.R.V.N. (Special Report, 8 October.) | <i>Vide</i> Appendices I and II. |
|--|----------------------------------|

### Rotation of personnel

- |   |  |
|---|--|
| 2. Team wants clarification of Article 16 (f). Whether this Article is applicable to rotation of personnel and material from outside Viet-Nam only or whether this is also applicable to movements within Viet-Nam from one regrouping zone to another. | Article 16 (f) does <i>not</i> apply to internal movement of troops. (Clarification given <i>vide</i> letter No. OPS/158 of 19th October.) |
|---|--|

*Vide* Appendix I and II.

## cam's suggestions or complaints

## Remarks

## VINH

1. The team is only allowed to move along road No. 1 along the coast (Report of 29th October.) *Vide Appendices I and II.*
2. Team restricted to the compound surrounding the quarters unless accompanied by a Liaison Officer or an Interpreter. (Report of 29th Oct.) Security considerations require that the team should be accompanied by the Liaison Officer when it moves out on usual control and investigation tasks. Liaison Mission, however, being informed that this does not mean that the Fixed Team members should be virtual prisoners.

## Access to Fixed Team by the Public

3. People not allowed by the local authorities to approach the Fixed Team freely with complaints and petitions. They insist that they should first go through the local liaison authorities. (Report of 20th Nov.) Free accessibility of the Fixed Team members to the public is a fundamental requirement and this must be impressed on the liaison officer. Obstacles, if any, to this freedom of access should be reported to the Commission.
4. Difficulty experienced by the team due to absence of an official Vietnamese interpreter. Requirement noted. Action being taken by D.S.G. (Adm.)

## TOURANE

## Rotation of troops and material

1. There is a lot of movement of troops and material from and into Tourane. The local liaison authorities state that this is internal movement and as such the team is not to be informed of such movement. If the team wanted to check any ship it could be arranged only as far as it relates to personnel as the procedure for the checking of the local liaison authorities as finalised in the Joint Commission. *Vide Commission's Circular No. A-11, dated 1st Dec. 1954. The excuse of discussion regarding list of war material is not valid. Action in accordance with the circular should be taken and obstacles if any reported to the Commission.*
2. The team requests that the local liaison authorities should give the team information of all arrival and departure of ships so that they can check at least a certain number. This is not being given by the local authorities and this has been reported a number of times by the team. Written demand for this information should be made in accordance with Circular No. A-11 of 1st December 1954 and non-compliance or obstruction in getting manifests, etc., should be reported to the Commission.
3. No notification of rotation has yet been received by the team. Team should observe and, if any evidence of rotation of troops under Article 16 is found report the matter to the Commission.

## Petitions

4. 31 petitions received by the team and forwarded to International Commission. Nil.

## New Constructions

5. New constructions are being carried out in Tourane. They wanted to *Vide Appendices I and II.*



Team's suggestions or complaints	Remarks
visit these, but were refused by the local liaison authorities as they consider that this does not fall under the purview of the Geneva Agreement.	
6. The movement of team to carry out investigations was delayed on two occasions as the F. V. said that they did not have transport (Report 28th September, 28th October).	Occasional delay due to genuine difficulties may be tolerated, but if it is deliverates, matter may be reported with full details to the Commission.
7. The team has been carrying out a number of investigations in a mobile role.	Nil.
8. 308 wheeled vehicles from Japan (21st November.)	D.S.G. (OPS) will examine whether notification under Article 17 (e) was necessary in this case.

### QUI NHON

#### Load Manifests

1. From the reports of the team it is not clear whether the team is being given load manifests to enable it to check details of personnel and equipment being evacuated from the central regrouping area in South Viet Nam. *Vide Commission's Circular No. A-11 dated 1st Dec. 1954. Load manifests and full facilities for observation, though not control and investigation, should be available.*

#### Petitions

2. In the last few weeks this team has been receiving innumerable petitions alleging terrorism, murder and torture against personnel of the erstwhile resistant movement. It appears that all these petitions/complaints are being forwarded to the Headquarters of the International Commission at HANOI. *Vide Appendix III, para. 2 (4).*
3. Information of exchange of prisoners of war not given to the team. *Information should be demanded in writing and non-compliance reported to the Commission.*

### NHA TRANG

#### Restriction on freedom of movement

1. The senior French Liaison Officer has placed restrictions on the movement of this team, both to area and time. This has greatly handicapped the work of the team. *Vide Appendices I and II.*

#### Load Manifests

2. The team does not appear to be supplied with load manifests at ports and airfields in the absence of which no effective check can be carried out. *Vide Commission's Circular No. A-11 dated 1st Dec. 1954. Assistance by way of load manifests should be demanded in writing and non-compliance reported to the Commission.*

Team's suggestions or complaints

Remarks

**Rotation of personnel**

3. The team is not being kept informed of the rotation of personnel and equipment. The team should observe in the area of its jurisdiction and if any evidence of rotation of troops and entry or exit of war material is forthcoming, report to the Commission for violation of Article 16 (f) and 17 (e).

**Petitions**

4. No petitions have been forwarded by this team. Nil.
5. Curfew orders.—Is it applicable to I.C. ? Not applicable, but team must move with all available evidence of its identity arm bands, identity cards etc.

**BANGOI****Disposition of Forces**

1. The team asked for the disposition of French Union Forces and installations. (Report of 25th Oct., 1954.) This has not been given to them by the French Liaison authorities. This is beyond the team's competence. The demand should not have been made.

**Rotation of Personnel and Equipment**

2. Team not being informed of rotation of personnel and material by the local liaison authorities. (Report of 31st Oct.) The French authorities say that SAIGON and HAIPHONG are the only two ports of entry and exit. The team should observe and, if any evidence of rotation of personnel and entry and exit of war material is found report to the Commission of this violation of the provisions of Article 16 (f) and 17 (e).

**Freedom of Movement**

3. Team not allowed to move except between BAN GOI and NHA TRANG (Report No. 10 and 15th Nov. 1954.) Now understand that this restriction has been waived. *Vide* Appendices I and II.

**Mine Fields**

4. Article 12.—Correct interpretation D.S.G. (Ops) will go into the full report of the team on this subject and either give final directions or put up the matter to the Commission.

**SAIGON****Petitions**

1. A large number of petitions are being received by this team and thus the team is not in a position to carry out effectively its allotted task (Weekly report for week ending 25th Sept. 1954). *Vide* Press Note dated 6th December 1954, regarding Commission's second Headquarters.

Team's suggestions or complaints	Remarks
2. Checking of ships—can they board them?	<i>Vide</i> Commission's Circular No. A-II dated 1st Dec. 1954. Yes, on demand made through the Liaison Officer.
3. Petitioners not allowed to contact team (25th September.)	†Please see below.
4. Intimidation of people	†Please see below.
5. French refused to allow team to visit installations and military camps.	<i>Vide</i> Appendices I and II. If the installations and camps are within the zones mentioned, written demand should be made and non-compliance reported to Commission for necessary action.
6. Information of rotation of personnel and material not supplied to them.	Being taken up with the French Liaison Mission here. They gave us to understand that notification under Section 16 (f) of rotation of personnel was being given also to the Fixed Team direct. As regards war material under provisions of Article 17 (e), non-compliance, has to be proved before action can be taken— <i>vide</i> instructions in Commission's Circular No. A-II of 1st Dec. 1954 and evidence of non-compliance reported to Commission for action.

### CAP ST JACQUES

#### Rotation of troops

1. This team does not appear to have been informed of rotation of troops and equipment so far. *Vide* Commission's Circular No. A-II of 1st December, 1954. Continue to observe as distinguished from control and investigation and report to the Commission evidence if any of rotation of troops and entry or exit of war material in violation of Article 16 (f) and 17 (e).
- The team checks all ships.  
A fair number of petitions being received by the team.

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† Liaison Officer should be clearly told that free accessibility to the team by members of the public is one of the fundamental principles which the Commission is keen to enforce. Any obstruction after this warning should be reported for action to the Commission.

**APPENDIX V**  
**CENTRAL, JOINT COMMISSION FOR VIETNAM**  
**PROTOCOL No. 23**

On the Checking of the entry and exit from Vietnam of troops, military personnel, arms, munitions and other war material.

**INTRODUCTION**

1. In order to implement articles 16, 17 and 20 of the Agreement on the cessation of hostilities in Vietnam, the two parties in this agreement have tried to give details of the conditions for the checking of the entry into and exit from Vietnam of troops, military personnel, arms, munitions, and other war material.

2. The representatives of the People's Army of Vietnam have insisted on the principle that the check kept on the entry and exit of arms, munitions and other war material should be as strict as possible, but at the same time should not impede the bringing into Vietnam of all material necessary to the peaceful reconstruction of the country.

3. The representatives of the Union Francaise take note of this concept, and consider on the one hand that this distinction does not fall within the competence of the Central Joint Commission, and on the other hand that the established texts are sufficiently explicit on the subject.

**PREAMBLE**

The two parties reaffirming their desire strictly to implement the Agreement on the cessation of hostilities in Vietnam undertake, each within its own regroupment zone, not to admit into Vietnam any reinforcement of troops, military personnel, arms, munitions or other war material, whatever their place of origin or destination, and to proceed to rotation and replacements only as authorised in the conditions and limits defined in the Geneva Agreement and in this protocol. Every possible facility will be granted to the International Control Commission and its inspection teams to enable them to perform their mission of supervision and control regarding this matter.

**CHAPTER I**

**Rotation of troops and military personnel**

1. The units rotated may not exceed one battalion or the corresponding echelon for Air and Naval Forces, i.e.,

.. for the infantry	the battalion
.. for the artillery	the artillery battalion
.. for motorized units	the squadron
— for the Air Force	the group
.. for river fleet	the amphibian unit
.. for the Naval Forces	the warship

2. The relation shall be conducted on a man-for-man basis for those who carry the same weapon it is understood that in any one quarter neither party shall introduce more than fifteen thousand five hundred (15,500) members of its armed forces into Vietnam under the rotation policy.

3. From the coming into force of the Agreement on the Cessation of hostilities in Vietnam, and during the withdrawal period provided in Article 2 of the said Agreement, under the heading of arrival or return of individual personnel of the Union Francaise forces stationed North of the provisional military demarcation line, not more than 50 men including officers, shall be permitted during any one month to enter that part of the country either on a temporary duty basis or to return after short periods of leave or temporary duty outside Vietnam. Under this heading a monthly report shall be drawn up and submitted to the I.C.C. and the C.J.C.

4. After any given quarter reckoning from the coming into force of the Agreement on the cessation of hostilities, the total number of individual personnel arriving to Vietnam cannot exceed the total number leaving it.

5. Rotation units and personnel, as well as the individual personnel mentioned above pertaining to one or the other party, entering or leaving Vietnam must enter or leave it through the points of entry enumerated in Article 20, Chapter III of the Agreement on the cessation of hostilities. Any entry or exit of troops or military personnel other than at those points shall constitute a flagrant violation of the Agreement.

6. Each of the parties shall notify the C.J.C. and the I.C.C. at least 48 hours in advance of any movements pertaining to the rotation of troops, military or individual personnel arriving in Vietnam or leaving it. Within 72 hours of their arrival or departure, a report shall be submitted to the two Commissions mentioned above. Each previous notice and report shall indicate:

- (a) Rotation, leave or temporary duty.
- (b) Places of arrival or departure.
- (c) Date of arrival or departure.
- (d) Number of persons arriving or departing.
- (e) Number and category of arms which they carry.

For the above-mentioned individual personnel arriving in Vietnam, it is necessary to indicate the date provided for their departure. If towards the end of the agreed time they cannot yet leave Vietnam, a report shall be forwarded to the C.J.C. and the I.C.C. before the end of this time.

## CHAPTER II

### Arms, munitions and war materials

#### A. Definition of Arms, munitions and war materials

7. The Agreement on the cessation of hostilities in Vietnam (Chapter III, Article 17) stipulates that:

"With effect from the date of entry into force of the present Agreement the introduction into Vietnam of any reinforcements in the form of all types of arms, munitions and other war materials is prohibited."

"It is however understood that the war materials, arms and munitions which have been destroyed, damaged, worn out or used up may be, after the cessation of hostilities replaced on the basis of piece for piece of the same type and with similar characteristics..."

Accordingly, the two parties have, by common agreement, classified the following categories of equipment as arms, munitions, and other war materials enumerated in Article 17 of the Agreement on the cessation of hostilities:

#### ARMS:

- (a) Fire arms of every type and calibre such as:
  - Pistols and revolvers
  - Rifle, automatic rifles, carbines, machine pistols, machine rifles, light, average and heavy machine-guns.
  - Jet weapons, fuses, bazookas, rocket-guns Piat, S.K.Z. etc...
  - Grenade-thrower—V.B. A.T.
  - Mortars, howitzer and cannon of all types and calibres etc.....
  - Flame-thrower.
- (b) All other arms not mentioned above, aside from side-arms.

#### MUNITIONS:

- Projectiles of all calibres
- Grenades of all types
- River, sea and land mines
- Bombs of all kinds

**Napalm****Torpedos**

**Explosives and fireworks for military use (not including those for civilian use).**

**VEHICLES:**

- (a) **Combat vehicles**
  - tanks of all types
  - armoured vehicles on wheels half-track and full-track vehicles
  - Amphibious armoured vehicles (crab, alligator, amphibious jeep, etc.....)
  - Armoured locomotives and wagons.
- (b) *Transport vehicles* armoured or supplied with devices for military, radio or armaments and all military transport vehicles having, military characteristics used for the equipment of military transport units.

**AIRCRAFT:**

- (a) **Combat planes** pertaining to the Air Force or the Naval Air Force equipped with propellers or jet propulsion.
  - fighters-bombers
  - bomber-fighters
  - fighter-bombers
  - military reconnaissance aircraft (such as R F 8 F—Privateers, R. B. 26 and other types).
- (b) **Transport planes**
  - all military type planes such as those supplied with armament support, personnel and material release mechanism, bombing apparatus
  - all transport planes for Army units.
- (c) **Other planes**
  - Military planes for liaison work, observation and training.
  - Helicopters transporting more than 7 persons and helicopters for Army units.
- (d) **Aerostat**
  - all lighter-than-aircraft of either offensive and defensive character pertaining to the military aerosation.

(e) Moreover, all construction or model planes used for purposes of bombing, machine-gunning, reconnaissance, military training, military liaison are considered war material whether or not they are equipped for military use.

*Navy:*

Battleships (coastal and deep-sea)

River combat devices

Landing devices.

*Engineering equipment:*

mine detectors

all engineering materials, bearing military characteristics, for the use of Sapper Units e.g, military bridges, combat craft, etc.....

*Signals:*

All military-type equipment

*Radar:*

All military types: watch, fire control

*Visual signalling:*

All equipment for adjustment and conduct of fire.

*Miscellaneous:*

Bullet proof vests, splinter-proof vests, etc.....

Whenever a party wishes to bring this list up-to-date it may submit it for discussion in the C.J.C.

8. Each of the parties undertakes not to agree to the introduction into Vietnam of any arms, munitions or other war material in the form of unassembled parts for subsequent assembly. It is forbidden to introduce into Vietnam any of the unassembled parts, any weapon accessories, munitions or other war materials of any type.

*B. Modalities and control procedure*

9. When a party wishes to replace the arms, munitions and other war materials destroyed, damaged, worn out or consumed since the cessation of hostilities, it must furnish a previous report and sufficient documentary evidence to the C.J.C. and the I.C.C.

The arms, munitions and war material in question must be effectively presented to the I.C.C.

The replacement shall be effected only with the approval of the I.C.C., which must recognise that the material in question is genuinely replacing arms, munitions and other war material destroyed, damaged, worn out or consumed since the cessation of hostilities.



This material shall not be used in any way by the parties. Consequently, it must, subject to the check of the I.C.C., be either evacuated from Vietnam or destroyed on the spot before the entry of replacement arms, munitions and other war material.

Once these modalities are fulfilled, the arrival of the replacement material shall not be delayed.

10. When the report on arms, munitions and other war material destroyed, damaged, worn out or consumed since the cessation of hostilities is addressed to the I.C.C., it shall open a credit to the interested party for the materials in question, after the operations specified in Article 9 mentioned above have been carried out. The use of this credit can be more or less deferred; but the total entry of arms, munitions and other war material admitted for replacement shall not at any moment exceed the total amount of arms, munitions and other war material destroyed, damaged, worn out or consumed which is to be replaced.

11. *Checking at arrival.*—The arms, munitions and other war material which are delivered to replace materials recognised by the I.C.C. as destroyed, damaged, worn out or consumed, shall be presented at their arrival to the Local Inspection Team of the I.C.C. The said Team is entitled to check whether this material effectively correspond to the material to be replaced (in number, category and characteristics). Accordingly, parking places for the checking at arrival of arms, munitions and other war material may be fixed at the point of entry.

Any introduction of arms, munitions, or other war material which do not effectively correspond to the materials to be replaced (in number, category and characteristics) shall constitute a flagrant violation of the agreements.

Once the I.C.C. satisfies itself that such a state of affairs exists, the material in question must be ejected from Vietnam.

12. The replacement must be effected strictly in accordance with the principle of "piece-for-piece of the same type and similar characteristics".

These terms are to be understood as follows:

*Piece for piece.*—The arms, munitions, and other war material, or the accessories of those pieces certified as destroyed, damaged, worn out or consumed since the cessation of hostilities, can be replaced either by a whole new unit for each old one, or by a new unassembled part for each old one.

*Same type.*—The replacement arms, munitions and other war-material must be similar to those replaced, and belong to the same category and model.

*Similar characteristics.*—A new part to be introduced into Vietnam as a replacement part must not have a combat power (power of demolition fire power, killing capacity, explosive power, speed, degree of precision, armour-plating, operating distance, etc.....) superior to the power of the part replaced before its destruction, damaging, wearing out or consumption.

13. For both parties, the amount of consumed munitions to be replaced is strictly limited to the amount effectively used for the training of troops in general after the cessation of hostilities.

Any part wishing to effect such a replacement must previously furnish to the C.J.C. and the I.C.C. sufficient proof. The replacement shall be effected only after the I.C.C. has recognised the munitions in question as having effectively been consumed in the training of troops in general.

14. *Previous notice of movements.*—Each party shall notify the C.J.C. and the I.C.C. at least 48 hours in advance of any entry or exist of war materials, arms, or munitions scheduled to take place. The period of notice must allow for the means of transmission to be used so that the control team and the C.J.C. may receive the notice 48 hours before the arrival of the materials.

15. *Report of delivery.*—Each party must address to the C.J.C. and the I.C.C. a report of delivery for each consignment of war materials received within a 72 hour period; the report must indicate the use of the war material thus replaced. The previous notice and the report must mention details as to category, number, types, characteristics, date of entry or exist and point of entry.

16. The replacement of arms, munitions, and other war material is not authorised for the Union Franchise Forces stationed North of the provisional military demarcation line during the withdrawal period provided in Article 2 of the Agreement. In accordance with Article 17(b) Chapter III of the said Agreement, when the Units of the Union Franchise Naval Forces performing transport operations between the regroupment zones enter the ports situated in the Union Franchise provisional assembly sector North of the provisional military demarcation line, they shall, when occasion arises, submit to checking by the I.C.C. if the latter so wishes.

17. Any entry and exist of arms, munitions and other war material must be subject to checking by the I.C.C. and effected through the points of entry provided in Article 20 Chapter III of the Agreement on the Cessation of hostilities in Vietnam. All infringement to this provision shall constitute a flagrant violation of the Agreement.

18. Arms, munitions and other war material carried by the rotation units and personnel arriving in Vietnam, must not, under any circumstances, exceed in number or combat power (category, characteristics) those carried by the outgoing troops and personnel. Individual personnel, leaving Vietnam or arriving in that country on a temporary duty basis or for a short period of leave is authorised to carry light weapons for its personal defence *e.g.*, pistols, revolvers, or pistol machine-guns and a reasonable amount of munitions. Personnel temporarily entering Vietnam, as mentioned above, must when leaving the country remove the weapons of self-defence which they had brought into Vietnam.

19. The I.C.C. is entitled to institute an appropriate system of checking the arrival of arms, replacement of munitions and war material and of the corresponding material to be replaced, in the conditions settled by this protocol.

20. Each party within its own regroupment zone is entirely responsible for any introduction into Vietnam of arms, munitions or other war material which may be contrary to the provisions of the Agreement on the cessation of hostilities and to those of this protocol.

21. Each of the parties shall be able, at each point of entry submitted to its jurisdiction, to appoint liaison officers charged with maintaining liaison with the the Fixed Teams of the I.C.C. stationed at this point.

The General Chief of the Delegation  
of the High Command of the U.F.F.  
in INDOCHINA

Signed : DE BREBISSON

For the General Chief of the Delegation of  
the popular Army of VIETNAM

Signed : LE QUANG DAO

**APPENDIX VI**  
**INTERNATIONAL COMMISSION FOR SUPERVISION AND**  
**CONTROL IN VIET-NAM**

**Hanoi,**  
**January 28, 1955.**

**From:**

M. J. Desai, Esqr.,  
Chairman,  
International Commission for  
Supervision and Control,  
HANOI.

**To:**

His Excellency General Vo-Nguyen-Giap,  
Commander-in-Chief of the People's Army  
of Viet-Nam,  
HANOI.

Your Excellency,

I have the honour to refer to Your Excellency's memorandum on the acts of violation of the articles of the Geneva Agreement in the regroupment area of the French Union High Command and, in particular, on the subject of the activities of the special American Mission headed by General Collins, dated 5th December, 1954, and to state that the memorandum has been carefully considered by me and my colleagues in the Commission and we have also obtained the comments of the French High Command on the allegations made. A copy of the comments from the French High Command is enclosed for Your Excellency's information.

2. The members of the Commission, while forwarding the following observations on the details of the alleged violations given in Your Excellency's letter, would like to request Your Excellency to inform the Commission specifically whether the memorandum should be considered as a definite complaint by the High Command of the P.A.V.N. for detailed investigation under Article 37 of the Agreement and, if so, to communicate to the Commission, in the light of the following observations, the specific articles of the Agreement, violations in respect of which require investigations under Article 37 and full particulars in support of this request.

(i) *Allegations regarding reprisals, arrests or massacres.*

Of the incidents mentioned in the memorandum, specific complaints have been made to the Commission in respect of all incidents excepting the one at KIM-DOLI, province of THUA-THIEN. All specific complaints made to the Commission in respect of incidents have or are being investigated and, in cases where investigations are completed, necessary recommendations have been made by the Commission to the High Command of the party concerned under Article 22. I would, in this connection, invite Your Excellency's attention to the Secretary General's memorandum to the French Liaison Mission, No. ICSC/PET/54/2, dated December 24/28, 1954, copy of which was endorsed to the Liaison Mission of the P.A.V.N. High Command. Similar action on other incidents which are being investigated will be taken on the merits of the case. No investigations has been made with reference to the alleged incident at KIM-DOLI as no complaint in this regard has been received by the Commission.

On the question of arrests and reprisals and the denial of freedom of opinion and the case of seven members belonging to the Executive Committee of the Movement for the Defence of Peace in Saigon, I would invite reference to Secretary General's memorandum dated 23rd December, to the Liaison Mission of the P.A.V.N. High Command which conveys the decision of the Commission in this case.

*(ii) Violations of threat of violations of Article 16, 17, 18 and 19.*

On the general question of alleged violation of Articles 18 and 19, I would invite reference to the observations in the letter from the French Liaison Mission No. 560/MFLCI/AV, dated 23rd January 1955. Commission's inspection teams are controlling rotation of personnel and introduction of arms and ammunitions into Viet-Nam under Articles 16 and 17 and the Commission is, in the light of experience expanding its control activities, wherever necessary, to secure full compliance with Articles 16 and 17 along all the frontiers of Viet-Nam. As regards the alleged violation of Articles 18 and 19 by the French Union High Command in consequence of the provisions of the Manila treaty and the activities of the American Mission headed by General Collins, the Commission has not gone into details; before doing so, the Commission would be grateful for a definite confirmation from the High Command of the P.A.V.N. that they desire an investigation under Article 37 and, if so, full particulars in support of the charge that violation of specific articles of the Agreement have occurred.

*(iii) Allegations regarding violation of Article 14(d) by exercising pressure on people to move to the South.*

As Your Excellency is aware, a specific complaint in this connection made by the P.A.V.N. High Command is already under investigation of the Commission and recommendations will, if necessary, be made after the Commission has reviewed the reports of its investigating team.

3. The basic structure of the Agreement of the Cessation of Hostilities in Viet-Nam places the responsibility for execution of the Agreement on the parties (Article 28) and the responsibility for *Supervision of the proper execution* by the parties of the provisions of the Agreement on the Commission (Article 36) and it is the Commission's responsibility to assess and, where necessary, correct the performance by either party to secure the proper execution of the provisions of the Agreement. Cases have occurred where, on investigation, the Commission has found that there has been no proper execution by the parties of the provisions of the Agreement due to ignorance, misunderstanding or narrow-mindedness of officials and the Commission realises that such individual lapses cannot be stopped altogether. I would, on behalf of myself and my colleagues in the Commission, like to assure Your Excellency that we will, as hitherto, continue to exert ourselves to the utmost limit to discharge adequately our responsibility of supervision of the proper execution by the parties of the provisions of the Agreement and, in the pursuit of this task, demand, where necessary, from the High Commands of the parties to the Agreement, action under Article 22 to punish persons under their respective commands who violate any of the provisions of the Agreement and insist that the High Commands of the parties afford us all assistance and co-operation in the performance of the functions and tasks assigned to us under the Agreement (Article 25).

4. In the ultimate analysis, the successful implementation of the Agreement depends on the co-operation and assistance of the two High Commands and everything that maintains and promotes this co-operation and assistance makes for more effective implementation of the Agreement on the Cessation of Hostilities in Viet-Nam.

I take this opportunity, on behalf of myself and my colleagues, to renew to Your Excellency the assurances of our highest consideration.

Yours faithfully,

(Sd.) M. J. DESAI,  
Chairman.